

generally sigmoidal shape for at least part of the time after the actuator is activated. The support for these amendments is found, for example, in the written description at page 25, line 18 to page 26, line 18, and in Figure 16. Thus, no new matter has been added.

### REMARKS

Claims 1-20 were considered in the Office Action of September 6, 2000. Claim 5 was rejected under 35 U.S.C. § 112, second paragraph. In addition, certain of the claims were rejected under 35 U.S.C. § 102(a) over Hathaway, U.S. Patent No. 4,099,211 ("Hathaway"); Chida et al., U.S. Patent No. 4,812,698 ("Chida"); or Itsumi et al., U.S. Patent No. 5,101,278 ("Itsumi"). Finally, certain of the claims were rejected under 35 U.S.C. § 103(a) over Hathaway, Chida, or Itsumi, either alone or in view of Lazarus et al., U.S. Patent No. 5,656,882 ("Lazarus"). Applicants responded to the Office Action of September 6, 2000 on March 5, 2001. On that date, Applicants cancelled claims 1-20, and added new claims 22-33. No substantive response to the §112, §102, or §103 rejections of the September 6, 2000 Office Action is necessary because those rejections were not directed to claims 22-33.

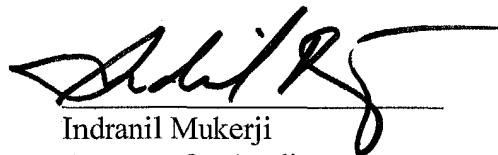
The April 20, 2001 Office Action stated that, "the remaining [pending] claims are not readable on the elected invention because the elected claims were drawn to an actuator constructed to assume a sigmoidal shape upon activation" and that "the new claims are drawn to a disc drive device."

Claims 22-33, and new claim 34, are now pending in the application. Applicants have amended claims 22, 32, and 33 to add language describing the actuator wherein, following activation, the actuator assumes a non-planar shape, such as, for example, the generally sigmoidal shape disclosed in the written description at page 25, line 18 to page 26, line 18 and in Figure 16. As such, each independent claim, as amended, describes a disk drive device including an actuator according to the elected invention. Applicants respectfully suggest, then, that the rejections of the September 6, 2000 Office Action, and the elected invention-type comments of the April 20, 2001 Office Action, be reconsidered and withdrawn.

**CONCLUSION**

Applicants respectfully request reconsideration of the rejection of claims 22-33, and consideration of new claim 34, in view of the foregoing amendments and remarks. If the Examiner believes that a conversation with Applicants' attorney might expedite prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



Indranil Mukerji  
Attorney for Applicants

Date: October 22, 2001  
Reg. No. 46,944

TESTA, HURWITZ & THIBEAULT, LLP  
125 High Street  
Boston, MA 02110  
Telephone: (617) 248-7352  
Facsimile: (617) 248-7100

**APPENDIX A**  
**AMENDED CLAIMS IN MARK-UP FORMAT**

22. (Amended) A disk drive device comprising

    a suspension structure; and

    an actuator having

        at least a first electro-active element;

        a first conductor in direct electrical contact with said first electro-active element;

        a second conductor in direct electrical contact with said first electro-active element; and

        an insulator bonded to said first electro-active element,

    wherein said first electro-active element and said first and second conductors are not in electrical contact with said suspension structure, and

wherein the first electro-active element is located within the actuator so that the actuator assumes a non-planar shape for at least part of the time following activation,

    wherein said actuator is bonded to said suspension structure such that in-plane strain in said electro-active element is effectively shear-coupled between said electro-active element and said insulator, and

    wherein said in-plane strain in said insulator is effectively shear-coupled between said insulator and said suspension structure.

32. (Amended) A disk drive device comprising

    a suspension structure; and

    an actuator having

        at least a first electro-active element;

a first conductor in direct electrical contact with said first electro-active element;

a second conductor in direct electrical contact with said first electro-active element; and

an insulator bonded to said first electro-active element and said suspension structure,

wherein said first electro-active element and said first and second conductors are not in electrical contact with said suspension structure, and

wherein the first electro-active element is located within the actuator so that the actuator assumes a non-planar shape for at least part of the time following activation,

wherein said actuator is bonded to said suspension structure such that in-plane strain in said electro-active element is effectively shear-coupled between said electro-active element and said suspension structure.

33. (Amended) A disk drive device comprising

a suspension structure; and

an actuator having

at least a first electro-active element;

a first conductor in direct electrical contact with said first electro-active element;

a second conductor in direct electrical contact with said first electro-active element; and

an insulator bonded to said first electro-active element and said suspension structure,

wherein said first electro-active element and said first and second conductors are not in electrical contact with said suspension structure, and

wherein the first electro-active element is located within the actuator so that the actuator assumes a non-planar shape for at least part of the time following activation.

wherein said actuator is bonded to said suspension structure such that in-plane strain in said electro-active element acts on said suspension structure.

34. (New) The disk drive device of claim 25, wherein the non-planar shape the actuator assumes upon activation is generally sigmoidal.